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CHAMBER ACTION

1 The Elder & Long-Term Care Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to caregivers for adults; providing
7 legislative intent to foster caregiving as a nonlicensed
8 paraprofessional activity and to promote the caregivers'
9 use of best practices; providing for the Department of
10 Elderly Affairs to contract with a not-for-profit
11 corporation; specifying requirements of the contract;
12 requiring reports to the Governor and the Legislature;
13 providing duties of the Florida Policy Exchange Center on
14 Aging and other public agencies; providing for the Office
15 of Program Policy Analysis and Government Accountability
16 to conduct a review of the corporation by a specified date
17 and to report to the Governor and the Legislature;
18 providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Legislative intent; contract with corporation;
23 purposes and duties; reports.--

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24 (1) It is the intent of the Legislature to foster the
25 development of caregiving for frail elders and disabled adults
26 as a nonlicensed paraprofessional activity that is critical to
27 the provision of community-based and institutional care for
28 frail elders and disabled adults who live in the community or in
29 an assisted living facility licensed under part III of chapter
30 400, Florida Statutes, or an adult family-care home licensed
31 under part VII of chapter 400, Florida Statutes, or who attend
32 an adult day care center licensed under part V of chapter 400,
33 Florida Statutes. It is the further intent of the Legislature to
34 promote the use of nationally recognized best practices
35 information by caregivers so as to improve the quality of care
36 in the community and in long-term care facilities licensed by
37 the state and to ensure some degree of uniformity of techniques,
38 practices, and standards used in caring for frail elders and
39 disabled adults residing in the state.

40 (2) In order to accomplish the goal of developing best
41 practices information and providing that information to
42 caregivers of frail elders or disabled adults who live in the
43 community, reside in facilities licensed by the state under part
44 III or part VII of chapter 400, Florida Statutes, or attend an
45 adult day care center licensed under part V of chapter 400,
46 Florida Statutes, the Department of Elderly Affairs may contract
47 with a not-for-profit corporation operated in compliance with
48 chapter 617, Florida Statutes. The contracted corporation may be
49 physically located in the Florida Policy Exchange Center on
50 Aging at the University of South Florida.

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51 (3) The contract with the corporation shall provide for
52 the corporation to assist the Florida Policy Exchange Center on
53 Aging in the development of policy recommendations to enhance
54 the center's efforts to improve the skills and availability of
55 individuals who seek to work as caregivers in the home, in the
56 community, or in a facility licensed by the state under part
57 III, part V, or part VII of chapter 400, Florida Statutes. The
58 contract must provide that the corporation also:

59 (a) Shall seek to identify funding by state, federal, and
60 private sources for the purpose of providing training in and
61 promotion of the use of best practices to caregivers.

62 (b) Shall work with universities and other related parties
63 to develop training materials and a curriculum and identify best
64 practices.

65 (c) Shall conduct a needs assessment of the nonlicensed
66 caregivers who work in the community or in facilities that are
67 licensed under part III, part V, or part VII of chapter 400,
68 Florida Statutes.

69 (d) Shall make recommendations to the Department of
70 Elderly Affairs, the Department of Children and Family Services,
71 the Agency for Health Care Administration, and the Department of
72 Health regarding policy and related changes that will improve
73 the quality, availability, and retention of nonlicensed
74 caregivers who work in the community or in facilities licensed
75 under part III, part V, or part VII of chapter 400, Florida
76 Statutes.

77 (e) Shall make recommendations on proposed legislative
78 changes and budget-related items that would affect the quality,

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79 | availability, and retention of nonlicensed caregivers and review
80 | the need for nonlicensed caregivers to work in the community or
81 | in facilities licensed under part III, part V, or part VII of
82 | chapter 400, Florida Statutes. This information shall be
83 | provided to the Governor, the President of the Senate, and the
84 | Speaker of the House of Representatives by January 1 of each
85 | year.

86 | (f) Shall develop agreements with the Department of
87 | Elderly Affairs, the Department of Children and Family Services,
88 | the Agency for Health Care Administration, the Department of
89 | Health, and any other state agency it considers necessary for
90 | the exclusive purpose of providing access to state buildings and
91 | state employees in order to offer low-cost, effective training
92 | and paraprofessional development assistance to nonlicensed
93 | caregivers who work in the community or in facilities licensed
94 | under part III, part V, or part VII of chapter 400, Florida
95 | Statutes.

96 | (g) May charge a reasonable fee, on a sliding scale, as
97 | provided in the bylaws of the corporation for the training of
98 | nonlicensed caregivers who work in the community or in
99 | facilities licensed under part III, part V, or part VII of
100 | chapter 400, Florida Statutes. The corporation shall take all
101 | steps possible to offer high-quality training at the most cost-
102 | effective rates.

103 | (h) May offer training to the personnel of assisted living
104 | facilities, adult family-care homes, and adult day care centers.
105 | The Department of Elderly Affairs, in consultation with the
106 | corporation and the contractor responsible for the development

107 of training materials, shall annually evaluate and make any
108 necessary changes to these materials.

109 (i) Shall collect information regarding nonlicensed
110 caregivers who work in the community and in facilities licensed
111 under part III, part V, or part VII of chapter 400, Florida
112 Statutes. The information collected must include, but need not
113 be limited to, the salary rates for various positions,
114 professional development needs of nonlicensed caregivers,
115 information regarding turnover rates and retention, and data
116 that identify the number of caregivers using best practices in
117 daily care-related activities.

118 (j) Shall develop a memorandum of understanding with the
119 Florida Policy Exchange Center on Aging that describes how the
120 corporation will interact with the center in carrying out its
121 responsibilities.

122 (k) Shall develop an agreement with the Florida Policy
123 Exchange Center on Aging for the provision of administrative
124 support and startup costs, with the expectation that the
125 corporation will not rely upon the center for staff or financial
126 assistance after June 1, 2008.

127 (l) May contract with the Florida Policy Exchange Center
128 on Aging for the provision of staff support, research, technical
129 assistance, and data storage under a memorandum of agreement.

130 (m) Shall, by January 10 of each year, issue a report to
131 the Governor, the President of the Senate, and the Speaker of
132 the House of Representatives that evaluates the status of the
133 work of the corporation relating to the use of best practices by
134 caregivers and the development of nonlicensed caregivers who

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135 work in the community or in facilities licensed under part III,
136 part V, or part VII of chapter 400, Florida Statutes.

137 (4) Each public sector agency that provides training or
138 support for nonlicensed caregivers who work in the community or
139 in facilities licensed under part III, part V, or part VII of
140 chapter 400, Florida Statutes, shall cooperate with the
141 corporation. The Florida Policy Exchange Center on Aging shall
142 certify to the Governor, the President of the Senate, and the
143 Speaker of the House of Representatives, using criteria that
144 include communication, timeliness of response, and coordination
145 of efforts, whether the corporation is receiving the necessary
146 and requested support from public sector organizations that
147 provide training to nonlicensed caregivers.

148 Section 2. By October 1, 2009, the Office of Program
149 Policy Analysis and Government Accountability shall conduct a
150 review of the contracted services for developing best practices
151 information and providing it to caregivers and shall issue a
152 report to the Governor, the President of the Senate, and the
153 Speaker of the House of Representatives evaluating the
154 effectiveness of the corporation in helping the state meet its
155 goals of improving the retention of nonlicensed caregivers in
156 the community or in facilities licensed under part III, part V,
157 or part VII of chapter 400, Florida Statutes, and whether it has
158 been successful in promoting the use of best practices by
159 caregivers of the state's frail elder and disabled adult
160 population.

161 Section 3. This act shall take effect July 1, 2006.